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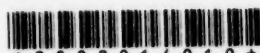
OTHER HUMAN RIGHTS ISSUES:
OTHER ISSUES

Written statement* submitted by the National Organization of Circumcision Information
Resource Centers (NOCIRC), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[13 June 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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ENG

Male Circumcision

1. The National Organization of Circumcision Information Resource Centers (NOCIRC) congratulates the Sub-Commission on its excellent work relating to traditional practices affecting the health of women and the girl child. NOCIRC notes with satisfaction the excellent reports prepared by Special Rapporteur Mrs. Halima Embarek Warzazi regarding traditional practices affecting the health of women and the girl child. NOCIRC commends in particular the excellent work done by Mrs. Warzazi on the issue of female genital mutilation.

2. NOCIRC notes that Mrs. Warzazi's mandate originally encompassed traditional practices affecting the health of women and children but that more recently her mandate has apparently been redefined to focus exclusively on traditional practices affecting the health of women and the girl child, thus excluding traditional practices which may affect the health of the boy child. Male circumcision has apparently never been studied as a human rights issue by the Sub-Commission. In all places where female genital mutilation occurs, male circumcision also occurs. Thus elimination of one practice may go hand-in-hand with elimination of the other.

3. Article 13 of the United Nations Charter, as well as Article 2 of the International Covenant on Civil and Political Rights and Article 2 of the Convention on the Rights of the Child bar discrimination on the basis of sex. Article 7 of the Universal Declaration of Human Rights provides, "All are equal before the law and are entitled without any discrimination to equal protection of the law." Ms. Gay J. McDougall, as the Sub-Commission's Special Rapporteur on Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, stated:

That international humanitarian law, insofar as it provides protection against rape and other sexual assaults, is applicable to men as well as women is beyond any doubt as the international human right not to be discriminated against (in this case on the basis of sex) does not allow derogation. 1/

Males may not be discriminated against in the application of human rights principles. United Nations experts have acknowledged that at least under certain circumstances male circumcision constitutes a human rights violation. 2/

4. The Parliament of Sweden voted decisively, 249 to 10, in favor of Law 2001:499, new legislation effective October 1, 2001 which regulates male circumcision and in the preliminaries also ordered a study to determine what effect the new law will have and whether male circumcision should be considered a human rights violation. Many Swedish Members of Parliament stated that male circumcision violates children's rights. The 10 dissenters in the Swedish vote objected only because they supported total criminalization, rather than mere regulation, of non-therapeutic circumcision of male children.

5. Male circumcision has been stated to be a human rights violation by legislators, non-governmental organizations, and scholars. Germany awarded political asylum to a Turkish man based on his fear of enforced circumcision: "There may be ... no doubt that a circumcision which has taken place against the will of the person affected shows ... a violation of his physical and psychological integrity which is of significance to asylum."

6. Numerous researchers have comprehensively documented the broad range of physical and psychological harm caused by male circumcision, including infant pain response, serious harm to infant neurological development and memory capability, the damage caused by memories of the

procedure, the damage caused to self-esteem and body image, post-traumatic stress disorder, permanent impacts on sexuality, and death. Reports of death during initiations in the developing world have been appearing frequently in major press outlets. On August 6, 2001, for example, the New York Times ran a story mentioning that at least 35 boys have died already this year in South Africa, and ten percent or more of initiates are left with no penis or just disfigured stumps.

7. NOCIRC notes that male circumcision is a very pervasive practice throughout both the developed and developing worlds. An estimated 13.3 million male children and babies are forced to undergo male circumcision without medical indication each year. As a numerical frame of reference, 2 million females undergo some form of female genital mutilation annually. In the developed world, the procedure is typically carried out at infancy, while in the developing world it occurs any time between infancy and early adulthood depending on various factors.

8. The fact that a newborn baby can suffer pain has been conclusively proven. The harm that male circumcision causes to babies by the severe levels of pain has been repeatedly documented. The level of response to the pain and stress of the procedure exceeds the response to blood sampling or injections and is not significantly reduced even by application of an anesthetic. Male circumcision harms women by impairing infant-mother bonding and breastfeeding.

9. Non-therapeutic male circumcision does not have any significant medical benefits justifying its routine performance upon a child. Every national medical association in the world which has considered the issue has refused to endorse routine male circumcision. Respected opponents of female genital mutilation have also questioned male circumcision and have pointed out analogies between the two practices and between false beliefs surrounding and justifying the perpetuation of the two practices. Recent research demonstrates that the average male circumcision in the developed world removes over 50% of all surface genital tissue and also a highly significant number of specialized neural end organs including extremely specialized tissue unique to that part of the body and fundamental to human sexual response. Research documents the long-term harm which many men experience as a result of male circumcision.

10. Research suggests that male circumcision causes behavioral changes and that some reported gender differences may actually be a result of male circumcision.

11. Complications in the developed world occur with a frequency of between 2-5% or more depending on the definition applied. A significant number of deaths occur each year. One study of male circumcision in the developing world found that 9% of the boys died, 52% lost all or most of their penile shaft skin, 14% developed severe infectious lesions; 10% lost their glans penis, and 5% lost their entire penis. This represents only those boys who completed travel to the hospital. The true complication rate is likely to be higher.

12. While supporting Mrs. Warzazi's admirable work on traditional practices specifically affecting women and the girl-child, NOCIRC respectfully requests that the Sub-Commission also focus attention on traditional practices which specifically affect the male child such as male circumcision. NOCIRC notes that the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and other relevant treaties are applicable both to males and females, and that discrimination against either gender in their application is forbidden.

13. Legislation or human rights provisions which protect against female genital mutilation and not male circumcision violate the human rights of the boy child. Ample evidence proves the serious harm caused by male circumcision. Logically, any difference in severity between female genital

mutilation and male circumcision, even if proven, does not justify the neglect of the latter practice.

14. Any alteration of children's genitals performed without absolute medical indication violates human rights. Male circumcision violates the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and other documents. Relevant rights include the rights to security of the person, to the highest attainable standard of health, and to protection from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse." Article 24.3 of the Convention on the Rights of the Child calls on states to "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children," terminology which—as human rights scholars such as Jacqueline Smith have commented—is fully applicable to male circumcision.

Conclusions

15. Male circumcision causes permanent and severe harm and violates human rights.

16. NOCIRC asks that the mandate of the Special Rapporteur on Traditional Practices Affecting the Health of Women and the Girl Child be revised to again encompass traditional practices affecting the health of women and children.

17. NOCIRC asks that the Sub-Commission undertake a study of male circumcision as a human rights violation.

Notes

1/ Contemporary forms of slavery: systematic rape, sexual slavery and slavery-like practices during armed conflict: final report submitted by Ms. Gay J. McDougall, Special Rapporteur (E/CN.4/Sub.2/1998/13, para. 24).

2/ United Nations Security Council. Commission of Experts' Final Report [on the Former Yugoslavia] (S/1994/674, part IV, section F).



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Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Item 6 (a) of the provisional agenda

**OTHER HUMAN RIGHTS ISSUES:
WOMEN AND HUMAN RIGHTS**

Written statement* submitted by Human Rights Advocates, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[14 June 2002]

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GE. * 2 0 0 2 0 1 4 0 1 9 *

ENG

Situation of women and girls in the territories controlled by Afghan armed groups

Human Rights Advocates urges the Sub-Commission to continue devoting attention to women's and girls' human rights in areas occupied by Afghan armed forces. The Sub-Commission has repeatedly acknowledged that the human rights of women and girls in Afghanistan have long been imperiled. / SC Res. 1998/17; SC Res. 1999/14; SC Res. 2000/11; SC Res. 2001/15. / The Commission on Human Rights ("the Commission") has also long recognized the importance of monitoring the situation of human rights in Afghanistan, having appointed a Special Rapporteur on Afghanistan, and having repeatedly renewed his mandate. / CHR Res. 1984/55; CHR Res. 1985/38; CHR Res. 1987/58; CHR Res. 1988/67; CHR Res. 1989/67; CHR Res. 1990/53; CHR Res. 1991/78; CHR Res. 1992/68; CHR Res. 1993/66; CHR Res. 1994/84; CHR Res. 1995/74; CHR Res. 1996/75; CHR Res. 1997/65; CHR Res. 1998/70; CHR Res. 1999/9; CHR Res. 2000/18; CHR Res. 2001/13; CHR Res. 2002/19. / The Commission has also specifically requested the Special Rapporteur on Afghanistan to apply a gender perspective in his reporting and focus particularly on women's human rights. / CHR Res. 1996/75; CHR Res. 1997/65; CHR Res. 1998/70; CHR Res. 1999/9; CHR Res. 2000/18; CHR Res. 2001/13. Despite continuing violations of Afghan women's rights, the Commission, in its last resolution on Afghanistan, disappointingly failed to ask the Special Rapporteur on Afghanistan to use a gender perspective in his reporting. CHR Res. 2002/19.

Afghan women and girls are still subject to violence, and deprived of employment, education, and health care. It is important to note that, at this point--when Afghanistan is at a crossroads in the shape of its government--it has not been announced that the restrictions the Taliban imposed on women have been lifted. / Kristie Reilly, Left Behind: An Interview with RAWA's Sahar Saba, IN THESE TIMES, Mar. 29, 2002. / Additionally, Afghan women's and girls' human rights have been endangered in a particularly precarious way since October 2001, heightening the need to pay further attention to their situation. Bombing has led to extensive flow of refugees and to loss of lives, including those of women and children. / U.N. Secretary-General, Interim Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan, U.N. GA, 56th Sess., Agenda item 119(c), at para. 10, U.N. Doc. A/56/409/Add.1 (2001). / Also troubling is that upon the fall of the Taliban, a security vacuum was created. International peacekeeping forces operate in Kabul and surrounding areas, as factions continue to struggle for power elsewhere. / Andrew Bushell, Warlords arm Afghans in refugee camps, Washington Times, Jan. 24, 2002. / With rival warlords continuing to disregard human rights standards since the fall of the Taliban, the rights of Afghan women and girls continue to be endangered in numerous ways. Violent crimes are occurring, some against women, and others allegedly are ethnically motivated, causing refugees to flee across borders. / Report on the Situation of Human Rights in Afghanistan, U.N. CHR 58th Sess., at para. 44, U.N. Doc. E/CN.4/2002/43. / Until security is truly returned to Afghanistan, Afghan refugees likely will not wish to return to their home state. / Closed Door Policy: Afghan Refugees in Pakistan and Iran, Vol. 14, No. 2(G), at 4 (Feb. 2002) (posted online at www.hrw.org, by Human Rights Watch).

Further, much needed aid to Afghanistan has been delayed due to concerns about lack of security. Huge amounts of aid have already been commandeered. / Amir Zia, UN Reports Mazar-E-Sharif Executions, AP, Nov. 12, 2001.

Violence against Women

Women continue to be subject to acts of violence in areas controlled by Afghan armed groups. Since the Taliban fell from power last year, Pashtuns have been subject to numerous abuses, including sexual violence, killings, extortion and looting. Women and girls have been raped during looting, including in Balkh City. Women also have had to fight off attackers and have hid young female relatives out of fear of rape. / Paying for the Taliban's Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan, Vol. 14, No. 2(C), at 1, 21-22 (Apr. 2002) (posted online at www.hrw.org, by Human Rights Watch).

Freedom of Movement

Women are still accompanied by close male relatives when they venture outdoors. / Latifa Popal, Human Rights Activist, Human Rights Without Borders, Lecture (on information obtained on fact-finding mission to Afghanistan in March 2002), May 4, 2002 (verifiable by contacting Latifa Popal at popallatifa@yahoo.com). / Teenage girls and women, who were jailed during the Taliban regime because they fled upon being forced to marry men against their wishes, are still in jail in Kabul. / Latifa Popal, Human Rights Activist, Human Rights Without Borders, Interview, May 12, 2002; Latifa Popal, Human Rights Activist, Human Rights Without Borders, Lecture, May 4, 2002.

Employment

Women in Afghanistan have long been deprived of the right to employment. However, at least some women have been employed in Afghanistan since the fall of the Taliban regime. / Report on the Situation of Human Rights in Afghanistan, U.N. CHROR 58th Sess., at para. 45, U.N. Doc. E/CN.4/2002/43. For example, a French company hired a civil engineer to oversee construction of a building. However, many others in Afghanistan have little or no means of supporting themselves. Some gather garbage to survive. / Latifa Popal, Human Rights Activist, Human Rights Without Borders, Lecture, May 4, 2002. Given recent longstanding violations of this right, further investigation into Afghan women's current rights to employment is warranted.

Health Care

Access to health care has been diminished in various ways. Fewer doctors are in Afghanistan, partly because there have been severe constraints on education for years. Proper medical equipment is also lacking. / Kristie Reilly, Left Behind: An Interview with RAWA's Sahar Saba, IN THESE TIMES, Mar. 29, 2002. / Many hospitals have been demolished in years of war. At least two are functioning, one of which opened late in 2001. In many areas, however, grave health problems such as malnutrition and digestive problems persist, due to not having necessities such as clean water. / Latifa Popal, Human Rights Activist, Human Rights Without Borders, Interview, May 12, 2002; Latifa Popal, Human Rights Activist, Human Rights Without Borders, Lecture, May 4, 2002. / Additionally, it is estimated that 16,000 women die in Afghanistan annually from pregnancy-related causes. / Report on the Situation of Human Rights in Afghanistan, U.N. CHROR 58th Sess., at para. 32, U.N. Doc. E/CN.4/2002/43.

Education

The educational system⁷⁶, though it is beginning to be restored, is still not fully available to all who need it. Schools reopened in Afghanistan on March 23, 2002, six years after girls had last been allowed to attend school and women had last been allowed to teach. / Weekend Edition -

Sunday (NPR radio broadcast, Mar. 24, 2002) (available online at http://search1.npr.org/opt/collections/torched/wesu/data_wesu/seg_140450.htm). / Two million children arrived to school in Spring 2002, half of those eligible. Not only is attendance low, but thousands of schools are now unavailable, having been destroyed in years of war. / Weekend Edition - Sunday (NPR radio broadcast, Mar. 24, 2002) (available online at http://search1.npr.org/opt/collections/torched/wesu/data_wesu/seg_140450.htm). For the first time in five years, women in Afghanistan took university examinations. In Kabul, 500 of the 3,000 people who took university entrance exams were women. / Report on the Situation of Human Rights in Afghanistan, U.N. CHR 58th Sess., at para. 45, U.N. Doc. E/CN.4/2002/43.

Conclusions and Recommendations

HRA respectfully recommends that the Sub-Commission:

Request that the Commission insist that Afghan armed groups abide by international human rights standards in relation to women, which includes, but is not limited to the repeal of all edicts and orders discriminating on the basis of gender;

Urge that the Interim Administration ensure full participation of women in the rebuilding of Afghan society;

Recommend to the Commission that a gender perspective be reintroduced into the mandate of the Special Rapporteur on Afghanistan;

Recommend to the Commission that the Special Rapporteur on Violence Against Women be sent to Afghanistan to investigate abuses reported there;

Recommend to the Commission that a thorough analysis be done on the legal system's impact on Afghan women and girls;

Urge the international community to increase aid to Afghanistan, to help Afghans regain security and prosperity, and to assist in the establishment of an independent Afghan judicial system;

Recommend to the Security Council to expand the International Security Assistance Force (ISAF) beyond Kabul to other urban areas, and to rural areas, including to protect human rights, including ensuring safe passage of food and other sorely needed aid to Afghanistan;

Urge the international community to assist in establishing and training an Afghan national police force;

Urge all armed forces in and near Afghanistan to refrain from injuring and killing innocents, and to otherwise respect international law;

Recommend that those persons perpetrating or supporting human rights abuses in Afghanistan be disarmed and held accountable for their crimes, regardless of their standing in Afghan society.
